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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,899	12/02/2003	Nigel V. Spurr	H0005871	4170

7590 11/30/2004

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/726,899	SPURR ET AL.	
	Examiner	Art Unit	
	Christopher Boswell	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,474,704 to Rathmann et al.

Rathmann discloses a latch system with a latch mechanism (figure 1) having a sealed area (1) and an unsealed area (3), and a magnetic coupling mechanism (10 and 13) for coupling motion between the sealed area and the unsealed area, wherein the magnetic coupling mechanism comprises a permanent magnet (magnets within electrical motors), as in claims 1,2 and 8.

Rathmann additionally discloses the steps of providing a latch mechanism (column 2, lines 15-29) having at least one sealed area (1) and at least one unsealed area (3) thereof and a coupling motion (column 3, lines 33-51) between the sealed area and the unsealed area utilizing a magnetic coupling mechanism (10 and 13), as in claim 14, wherein the magnetic coupling mechanism comprises a permanent magnet (magnets within electrical motors), as in claim 15.

Rathmann also discloses the magnetic coupling mechanism comprising an electromagnet (10 and 13), as in claims 3 and 16, and the latch mechanism comprises a vehicle door latch mechanism (column 1, lines 6-8) for an automobile, as in claims 4-6, 9-11, and 17-19, as well as

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comprising a plurality of shafts (drive shafts coupling 10 and 13 to 11 and 14, respectfully) coupled to the magnetic coupling mechanism for engaging the sealed area with the unsealed area, as in claims 7, 12-13, and 20-21.

Response to Arguments

Applicant's arguments filed September 13, 2004 have been fully considered but they are not persuasive. Regarding the argument that Rathmann discloses a detent pawl drive instead of a sealed area, the examiner points out that the detent pawl drive is for use within a vehicle, specially a door. Wherein vehicle doors are commonly sealed to keep road grime and dust away from the moving parts and components contained therein, and thus the detent-pawl drive is, undeniably in a sealed area. Furthermore, regarding the argument that Rathmann does not disclose an unsealed area. The examiner asserts that the locking bolt of Rathmann is also for use for a vehicle door, wherein the locking bolt is commonly a separate component and is found outside of the latching means. Generally, the lock bolt is in an exposed area of a vehicle door, and consequently in an unsealed area.

Further, regarding the argument that Rathmann does not disclose a coupling mechanism, but instead an actuating drive. The examiner points to the actuating action, wherein the electro-magnetic motors, or actuating drives, actuate a series of gears to couple the detent-pawl drive with the locking bolt, establishing a locking arrangement of a vehicle door. Wherein, it's an inherent property of electric motors to have a plurality of magnets or electro-magnets to create rotational motion (How Electric Motors Work). Therefore, the rotational force of the electric

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motor drives the gears and couples the sealed area to unsealed area of the latching mechanism.

And accordingly, a magnetic coupling mechanism couples the sealed area with the unsealed area, establishing a locked position.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference is cited to further show evidence with respect to magnets being used within electric motors:

“How Electric Motors Work”, www.howstuffworks.com, 11/22/04

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067.

The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

CJB *CB* 22
November 18, 2004
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DPS